

**REGULAR MEETING
CITY COUNCIL
OCTOBER 7, 2004**

ROLL CALL:

MR. WOJCIK, MR. JUDGE, MR. DUNNE, MR. KROGH, MR. MAHONEY, MRS. COLLIER, MS. MESSICK, MR. ARMET, MRS. MAHAR DERGURAHIAN

PUBLIC FORUM: LIST OF SPEAKERS ON FILE IN THE CLERK'S OFFICE

Ordinance No. 1a Date October 7, 2004

Introduced by Council Member Wojcik

At the request of Administration Seconded by Messick

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI PROCEEDINGS
INSTITUTED BY VARIOUS PROPERTY OWNERS LOCATED IN THE CITY OF TROY
AND ON THE ASSESSMENT ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in certain stipulations on file with the office of the Corporation Council:

Vandenburgh Donuts, LLC 112.77-4-2

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders said tax rolls shall be adjusted accordingly and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, August 24, 2004

John P. Hicks
Corporation Counsel

Ordinance FAILED by the following vote:

Ayes: 1
Noes: 8
Abstain: 0

Ordinance No. 1b Date October 7, 2004
Introduced by Council Member Wojcik
At the request of Administration Seconded by Judge

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI PROCEEDINGS
INSTITUTED BY VARIOUS PROPERTY OWNERS LOCATED IN THE CITY OF TROY
AND ON THE ASSESSMENT ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in certain stipulations on file with the office of the Corporation Council:

Bethany Gonyea 112.49-3-2

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders said tax rolls shall be adjusted accordingly and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, August 24, 2004

John P. Hicks
Corporation Counsel

Ordinance FAILED by the following vote:

Ayes: 2
Noes: 7
Abstain: 0

Ordinance No. 1c Date October 7, 2004
Introduced by Council Member Wojcik
At the request of Administration Seconded by Messick

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI PROCEEDINGS
INSTITUTED BY VARIOUS PROPERTY OWNERS LOCATED IN THE CITY OF TROY
AND ON THE ASSESSMENT ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in certain stipulations on file with the office of the Corporation Council:

Troy Retirement Residence LP 80.3-8.111

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders said tax rolls shall be adjusted accordingly and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, August 24, 2004

John P. Hicks
Corporation Counsel

Ordinance FAILED by the following vote:

Ayes: 1

Noes: 8

Abstain: 0

Ordinance No. 1d Date October 7, 2004
Introduced by Council Member Wojcik
At the request of Administration Seconded by Krogh

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI PROCEEDINGS
INSTITUTED BY VARIOUS PROPERTY OWNERS LOCATED IN THE CITY OF TROY
AND ON THE ASSESSMENT ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in certain stipulations on file with the office of the Corporation Council:

Bombay Realty Corp.

90.54-2-1

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders said tax rolls shall be adjusted accordingly and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to Form, September 15, 2004

John P. Hicks
Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

To Mayor 10/12/04 for Executive Action - Approved, Returned 10/15/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Ordinance No. 1e **Date** October 7, 2004
Introduced by Council Member Wojcik
At the request of Administration **Seconded by** Armet

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI PROCEEDINGS
INSTITUTED BY VARIOUS PROPERTY OWNERS LOCATED IN THE CITY OF TROY
AND ON THE ASSESSMENT ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in certain stipulations on file with the office of the Corporation Council:

Voicestream Wireless

101.29-1-1/3

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders said tax rolls shall be adjusted accordingly and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to Form, September 15, 2004

John P. Hicks
Corporation Counsel

Ordinance FAILED by the following vote:

Ayes: 5

Noes: 4 (Wojcik, Judge, Collier, Messick)

Abstain: 0

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Ordinance No. 2 **Date** October 7, 2004
Introduced by Council Member President DerGurahian
At the request of Administration **Seconded by** Collier

**ORDINANCE AMENDING THE 2004 CITY BUDGET TO AUTHORIZE THE TRANSFER
OF FUNDS TO MODIFY APPROPRIATIONS**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The 2004 City Budget is hereby amended to provide for the transfer of funds as provided in Schedule "A" entitled

"October Budget Amendment"

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, September 7, 2004

John Hicks, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

To Mayor 10/12/04 for Executive Action - Approved, Returned 10/15/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Ordinance No. 3 **Date** October 7, 2004
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Armet

**ORDINANCE AUTHORIZING THE CITY COMPTROLLER TO REFUND
CHARGES INADVERTENTLY RELEVIED ON 2004 TAX BILLS**

The City of Troy, convened in City Council, ordains as follows:

WHEREAS, it appears that the City deems it necessary to reimburse the following inadvertent releived 2004 tax bill charges:

Maurice and Susan Germinerio - \$250.00

Approved as to form, September 13, 2004

John Hicks, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

To Mayor 10/12/04 for Executive Action – Approved, Returned 10/15/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Ordinance No. 4 **Date** October 7, 2004
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Messick

ORDINANCE AUTHORIZING AND DIRECTING THE

**CITY PURCHASING AGENT OR A DESIGNEE TO SELL BICYCLES AND
MISCELLANEOUS ITEMS FROM THE POLICE PROPERTY ROOM AND
MISCELLANEOUS OFFICE EQUIPMENT, AT PUBLIC AUCTION**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The City Council directs the administration to auction bicycles and miscellaneous items from the Police Property Room and miscellaneous office equipment at public auction.

Section 2. This ordinance shall take effect immediately.

Approved as to form, September 15, 2004

John P. Hicks

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

To Mayor 10/12/04 for Executive Action – Approved, Returned 10/15/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Ordinance No. 5 Date October 7, 2004
Introduced by Council Member DerGurahian
At the request of Administration Seconded by Judge

**ORDINANCE AUTHORIZING SETTLEMENT OF CLAIM
AGAINST CITY OF TROY – TEIL B. DURRIN**

The people of the City of Troy, convened in City Council, ordains as follows:

The attached Compromise and Settlement and General Release dated October 1, 2004.

Approved as to form, October 1, 2004

John P. Hicks, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

To Mayor 10/12/04 for Executive Action - Approved, Returned 10/15/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

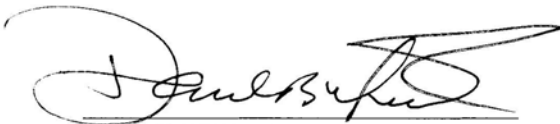
Ordinance No. 6 Date October 7, 2004
Introduced by Council Member Mahoney
At the request of Administration Seconded by Collier

ORDINANCE APPROVING THE MEMORANDUM OF AGREEMENT
BY AND BETWEEN
THE CITY OF TROY, NEW YORK
AND
THE TROY POLICE BENEVOLENT AND PROTECTIVE ASSOCIATION, INC.

The City of Troy City Council, convened, ordains as follows:

- Section 1: The City of Troy and the Troy Police Benevolent and Protective Association, Inc. have entered into a memorandum of agreement regarding the Collective Bargaining Agreement for calendar year January 1, 2004 to December 31, 2004.
- Section 2. The Memorandum of Agreement is attached hereto and made a part hereof.
- Section 3. The Mayor of the City of Troy, Harry Tutunjian and the president of the PBA, Robert Fitzgerald have both executed the attached Memorandum of Agreement and same has been ratified by the members of the PBA.
- Section 4. Upon approval by the City Council, this Memorandum of Agreement shall be binding upon all parties to said agreement.

Approved as to form, October 7, 2004



David B. Mitchell,
Chief Deputy Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 1 (DerGurahian)

Abstain: 0

To Mayor 10/12/04 for Executive Action - Approved, Returned 10/15/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Resolution No. 1 **Date** October 7, 2004
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Collier

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons Commissioners of Deeds for the City of Troy for a two year term commencing October 7, 2004 and through October 6, 2006:

DianaLynn Connelly	2215 Burdett Avenue
Nikki M. Criscione	33 Winter Street
John G. Fatone	776 Pawling Avenue
George Temple	907 River Street
John J. Smith	654 Fourth Street
Lisa Massoth	630 Fifth Avenue
Sarah M. Crawford	17 Parkview Court
Aaron C. Collington	179 9 th Street
Steven Smith	43 Sterling Ridge Drive, Rensselaer 12144

Approved as to form, September 14, 2004

John P. Hicks, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

To the Mayor 10/12/04 for Executive Action – Approved, Returned 10/15/04 _____

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Resolution No. 2 **Date** October 7, 2004
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Armet

RESOLUTION AUTHORIZING PAYMENT OF HEARING OFFICER’S FEE

WHEREAS, Chapter 205 of the Code of the City of Troy sets forth the process of identifying and prosecuting public nuisances within the City of Troy, and

WHEREAS, any individual that is the owner of property that has been identified as a public nuisance and subject to the sanctions and penalties set forth in Chapter 205 of the Code of the City of Troy, is entitled to a hearing on all charges, and

WHEREAS, the City of Troy cited Jack Cox, Johnny Bobo and Mario Abate and Elda Abate dba the Eldorado as each owing and maintaining a public nuisance, and

WHEREAS, Deputy Mayor Dan Crawley appointed the Hon Nia C. Cholakis as hearing officer to hear the charges and specifications on each case and render a decision at a fee of \$100.00 per hour.

WHEREAS, the Hon. Nia C. Cholakis has submitted an invoice, a copy of which is attached as Exhibit "A", for services rendered to date in the amount of \$1030.00.

NOW, THEREFORE, BE IT RESOLVED The Comptroller of the City of Troy is hereby authorized and directed to pay the claim of Nia C. Cholakis for fees in the amount of \$1,030. 00 for work performed as hearing officer, pursuant to Chapter 205 of the Code of the City of Troy. Said claim shall be paid within thirty (30) days and shall be paid from the account entitled "Judgment and Claims".

Approved as to Form, September , 2004

John P. Hicks, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

To Mayor 10/12/04 for Executive Action - Approved, Returned 10/15/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Resolution No. 3 **Date** October 7, 2004
Introduced by Council Member Wojcik
At the request of Administration **Seconded by** Krogh

**RESOLUTION AUTHORIZING ACCEPTANCE OF DEED FROM
DONALD L. JANNICELLI AND COLLEEN M. JANNICELLI**

WHEREAS, there has been offered to the City of Troy a warranty deed which conveys a certain real property hereinafter described in Schedule "A" attached hereto and made a part hereof and to be given in lieu of taxes, tax sale certificates, water rents and sewer rents unpaid of record.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the acceptance of a deed to the property described in Schedule "A" attached hereto; and

BE IT FURTHER RESOLVED, that the City Treasurer is hereby authorized to cancel any and all taxes, tax sale certificates, water and sewer rents now in existence against said property and to make appropriate notations upon the books and records of the City of Troy.

Approved as to form, August 24, 2004

John P. Hicks, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

To Mayor 10/12/04 for Executive Action - Approved, Returned 10/15/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Resolution No. 4 **Date** October 7, 2004
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Judge

RESOLUTION AUTHORIZING THE MAYOR
TO EXECUTE AN AGREEMENT WITH RENSSELAER COUNTY FOR THE PURCHASE OF
PARKING SPACES AT THE FOURTH STREET LOT

Whereas, there now exists a contract for the purchase of parking spaces at the Fourth Street lot; and

Whereas, said contract will expire on December 31, 2004; and

Whereas, the City of Troy and the County of Rensselaer want to enter a new agreement for a term beginning on January 1, 2005 and ending on December 31, 2005;

Now therefore, BE IT RESOLVED, that the Mayor, on behalf of the City of Troy, is herein authorized to execute an agreement with the County of Rensselaer for the for the purchase of parking spaces at the Fourth Street lot, in substantially the form of the attached.

Approved as to form, September 15, 2004,

John P. Hicks, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 1 (Krogh)

To Mayor 10/12/04 for Executive Action - Approved, Returned 10/15/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Meeting Adjourned 8:50pm